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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
HOMAYOUNMEHR, FARID	

ART UNIT	PAPER NUMBER
2132	

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/068,444	DELLA-LIBERA ET AL.	
	Examiner	Art Unit	
	Farid Homayounmehr	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 September 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) *22-32* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21, 33, 34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

KAMBIZ ZAND
PRIMARY EXAMINER

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications filed 9/28/2006.

2. Claims 1-21, 33 and 34 are pending in the case. Claims 22 to 32 are cancelled by the applicant. Claims 33 and 34 are new.

Response to Arguments

3. In section titled "Interview Summary", applicants have stated that during the interview dated September 22, 2006, all parties agreed that Rothermel did not mention or suggest a security policy that is configurable to be simultaneously implemented for a plurality of computer devices within the distributed security system, wherein at least a first computer device within the distributed security system operates on an operating platform that supports at least one security protocol that is different than a security protocol supported by a platform of at least a second computer device among the plurality of computer devices. This statement is false, as Examiner did not agree that Rothermel does not suggest the mentioned limitation. As indicated by Examiner's Interview Summary, the agreement made was that applicants would amend claim 1.

Rothermel does suggest the limitations of claim 1 as amended. Fig. 1, shows multiple NSDs connected to a Supervisor/Host device, providing the platform to distribute

security policies simultaneously. In, col. 1, line 46 to col. 2 line 8, Rothermel clearly shows that configuration of large number of different devices is indeed a requirement for successful network security management. In col. 13 line 30 to col. 14 line 45, Rothermel describes an example embodiment using a Linux operation system. Column 14, lines 41-45 clearly indicate that Rothermel's system works with Linux and Operating Systems other than Linux. Each NSD works with software components that are configured in the device (col. 14, lines 1-12). A variety of other optional software components can be provided to and executed by an NSD (column 14, lines 31-33). Therefore, Rothermel suggests simultaneous configuration of different NSDs running different operational platforms.

Applicants' arguments are not persuasive in light of the above discussion and the following rejections.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 3, and 5 to 19, 32 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Rothermel (U.S. Patent No. 6678827).

5.1. As per claim 1, Rothermel is directed to a distributed security system (Fig. 1 and column 4 line 63 to column 5 line 13) comprising:

a security policy written in a security protocol independent (column 7 line 3 to 57 disclose that the Security Policy Manager Device allows a user to create a security template independent of security protocols running in NSDs. The template will be configured based on NSD protocols to create a security policy compatible with NSD, once the template is loaded on NSDs. Therefore the security policy language used at the Security Policy Manager Device must be independent of the security protocols of NSDs) policy language (column 4line 65 to column 5 line 3), wherein the security policy is configurable to be simultaneously implemented for a plurality of computer devices within the distributed security system, wherein at least a first computer device within the distributed security system operates on an operating platform that supports at least one security protocol that is different than a security protocol supported by a platform of at least a second computer device among the plurality of computer devices (col. 13 line 30 to col. 14 line 45) wherein the first and second computer devices process the data in accordance with security policy of the distributed security system (Fig 2 and column 8 line 49 to 65).

5.2. As per claim 2, Rothermel is directed to the distributed security system of claim 1, wherein:

the security policy identifies the components of the security system (column 5 line 14 to 25).

5.3. As per claim 3, Rothermel is directed to the distributed security system of claim 1, wherein:

the security policy identifies the access rights of the security system (column 11 line 18 to 45).

5.4. As per claim 5, Rothermel is directed to the distributed security system of claim 1, wherein:

the security policy is configurable (column 7 line 25 to 37).

5.5. As per claim 6, Rothermel is directed to the distributed security system of claim 1, wherein:

the security policy language comprises at least some logic based components. As shown in Fig. 3G and column 11 line 45 to 60, the security policy creation template allows the manager to select network security information using radio buttons. Radio buttons corresponds to XOR logic. Therefore, the Examiner asserts that Rothermel policy templates include logic-based components.

5.6. As per claim 7, Rothermel is directed to the distributed security system of claim 1, wherein:

the security policy language comprises at least some rule-based components. As shown in Fig. 3D-F and column 11 line 9 to 45, the security policy creation template allows the manager to set the access rules for ping services. Therefore, the Examiner asserts that Rothermel policy templates include ruled-based components.

5.7. As per claim 8, Rothermel is directed to the distributed security system of claim 1, wherein:

the security policy language comprises procedural components. As shown in Fig. 3B and column 10 line 24 to 45, a security policy is created based on a procedure of using the policy template and completion of the policy by including network topology attributes. Therefore, the Examiner asserts that Rothermel policy templates include procedural components.

5.8. As per claim 9, Rothermel is directed to the distributed security system of claim 1, wherein:

the computer device is configured with computer-executable instructions to:

receive from the first entity a message formatted in a first protocol and transmit to second entity the message formatted in the second protocol that is different from

the first protocol (Fig. 6 and column 13 line 30 to 67, and Fig 6 column 13 line 30 to column 14 line 50)

5.9. As per claim 10, Rothermel is directed to the distributed security system of claim 9, wherein:

the computer device is configured with computer-executable instructions to:

receive from the first entity a message transported with a first transport; and

transmit to second entity the message formatted in the second transport that is different from the first transport (column 16 line 48 to 62, and Fig 6 column 13 line 30 to column 14 line 50)

5.10. As per claim 11 Rothermel is directed to the distributed security system of claim 1, wherein:

the security policy is implemented in at least one application programming interface (column 13 line 42 to 67).

5.11. As per claim 12 Rothermel is directed to the distributed security system of claim 1, wherein:

the security language includes programming language constructs (column 13 line 42 to 60).

5.12. As per claim 13 Rothermel is directed to the distributed security system of claim 1, wherein:

the security policy includes an identify service (Fig. 6 item 640 and column 13 line 45 to 50).

5.13. As per claim 14, Rothermel is directed to the distributed security system of claim 1, wherein:

the security policy includes an admission service (Fig. 6 item 630, the firewall will block or admit packets)

5.14. As per claim 15 Rothermel is directed to the distributed security system of claim 1, wherein:

the security policy includes a permission service (Fig. 3d and column 11 line 9 to 15).

5.15. As per claim 16 Rothermel is directed to the distributed security system of claim 1, wherein:

the security policy includes a revocation service. As indicated in Fig. 3F, the security policy can be configured to allow or disallow a user to access a certain service, such as Ping. Changing the policy to disallow a user to continue accessing a service is analogous to revocation of a right, and therefore works as a revocation service.

5.16. As per claim 17 Rothermel is directed to the distributed security system of claim 1, wherein:

the security policy includes a mapping of entities to rights. As described in Fig. 3B and column 10 line 27 to 65, the policy is created based on security template and attributes of each entity. One of the attributes of each entity is its rights. Therefore, a policy is created based on the rights of each entity. This discloses the feature.

5.17. As per claim 18, Rothermel is directed to the distributed security system of claim 17, wherein:

the security policy further includes a mapping of entities to capabilities. As described in Fig. 3B and column 10 line 27 to 65, the policy is created based on security template and attributes of each entity. One of the attributes of each entity is its capabilities. Therefore, a policy is created based on the capabilities of each entity. This discloses the feature.

5.18 As per claim 19, Rothermel is directed to the distributed security system of claim 1, wherein:

the security policy is configured to invoke external computer-readable instructions (Fig. 6 and column 13 line 30 to 50).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 4, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothermel as applied to claim 1 above, and further in view of Saulpaugh (U.S. Patent No. 6850979).

7.1 As per claim 4, Rothermel is directed to the distributed security system of claim 1, however, it does not include the specific limitation of security policy language comprises the extensible markup language. Saulpaugh teaches a method for creating message gates, useful for controlling the level of security access the client has to the services (column 7 line 36 to 55). Saulpaugh introduces the benefits of using extensible markup language (XML) to create messages gates (column 7 line 19 to 36, column 15 line 62 to column 16 line 35).

Rothermel and Saulpaugh are analogous art because they are both related to distributed security systems and secure exchange of data between distributed network elements and devices.

At the time of invention, it would have been obvious to a skilled person in the art to improve the way that Rothermel distributes security policies between the security manager and the security devices (which in essence, is exchanging a message) using XML comprised message gates as directed by Saulpaugh.

The motivation to do so would have been to improve the security of policy exchange between the security policy manager and network security devices using a standard message exchange language that is interoperable among multiple platforms.

Therefore, it would have been obvious to use XML to create and exchange security policies.

7.2. As per claim 20, Rothermel is directed to the distributed security system of claim 19, however, it does not include the specific limitation of external computer readable instructions comprise native process code. Saulpaugh teaches a method for creating message gates, useful for invoking programs in computer native language (column 14 line 29 to 42).

Rothermel and Saulpaugh are analogous art because they are both related to distributed security systems and secure exchange of data between distributed network elements and devices.

At the time of invention, it would have been obvious to a skilled person in the art to improve the distributed security system of Rothermel to be capable of invoking programs in computer native language, as described by Saulpaugh.

The motivation to do so would have been to extend the system's range of interoperability to include systems working with machine native language.

7.3. As per claim 21, Rothermel is directed to the distributed security system of claim 19, however, it does not include the specific limitation of external computer readable instructions comprise Java code. Saulpaugh teaches a method for creating message gates, useful for invoking programs in Java code (column 14 line 29 to 42).

Rothermel and Saulpaugh are analogous art because they are both related to distributed security systems and secure exchange of data between distributed network elements and devices.

At the time of invention, it would have been obvious to a skilled person in the art to improve the distributed security system of Rothermel to be capable of invoking programs in Java code, as described by Saulpaugh.

The motivation to do so would have been to extend the system's range of interoperability to include systems working with Java code.

8. Limitations or claims 33 and 34 are substantially the same as claim 1 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farid Homayounmehr whose telephone number is 571 272 3739. The examiner can normally be reached on 9 hrs Mon-Fri, off Monday biweekly.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Farid Homayounmehr

Examiner

Art Unit: 2132

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PRIMARY EXAMINER